THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 6 NUMBER 116

Washington, Saturday, June 14, 1941

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Supplement No. 8]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART C—1941

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1941 Agricultural Conservation Program[1] is amended as follows:

1. Section 701.201 (a) (7) is amended to read as follows:

§ 701.201 *Allotments, yields, productivity indexes, payments and deductions*—(a) *Corn.*

* * * * *

(7) *Non-corn-allotment farm* means a farm in the commercial corn area (i) for which no corn acreage allotment is determined or (ii) in Area A for which a corn acreage allotment of less than 10 acres is determined and the acreage planted to corn is greater than such allotment or (iii) in Delaware, Kentucky, Maryland, or Pennsylvania for which a corn acreage allotment is determined and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Administration, the classification of such farm for the purposes of the 1941 programs as a non-corn-allotment farm.

* * * * *

2. Section 701.201 (a) (9) is amended to read as follows:

(9) *Usual acreage of corn.* Usual acreages of corn shall be determined for all farms in the commercial corn area on which the normal acreage planted to corn is more than 10 acres. The usual acreage of corn shall be determined on the basis of tillable acreage, crop rotation practices, and the past acreage of corn for the farm with adjustments of not to exceed 50 percent for types of soil and topography. The usual acreage for any farm shall compare with the usual acreages for other farms in the same community which are similar with respect to the foregoing factors. The sum of the usual corn acreages determined for such farms in a county shall not exceed their proportionate part of the average acreage planted to corn and diverted from the production of corn in the county for the ten years 1930–1939, adjusted for trends.

* * * * *

3. Section 701.201 (a) (11) (i) is amended to read as follows:

(i) (Corn-allotment farms) 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the corn acreage allotment but not to exceed the maximum corn payment for the farm, except that 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the usual acreage of corn shall be deducted from any other payment computed for the farm.

4. Section 701.201 (a) (11) (ii) is amended to read as follows:

(ii) (Non-corn-allotment farms in the commercial corn area) 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the larger of (*a*) 10 acres or (*b*) the usual acreage of corn.

5. Section 701.201 (b) (7) is amended to read as follows:

* * * * *

(b) *Cotton.*

* * * * *

(7) *Acreage planted to cotton.* Acreage planted to cotton means the acreage of land seeded to cotton, except that (i) if any acreage is disposed of before reaching the stage of growth at which bolls are first formed, (ii) if any acreage is disposed of within ten days after notice of the amount of acreage seeded to cotton is given, where such notice is not given ten days prior to the time bolls are first formed, or (iii) if substantially all of the cotton produced on a particular acreage is determined to be

[1] 5 F.R. 2915.

CONTENTS

RULES, REGULATIONS, ORDERS

NOTICES

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

cotton the staple of which is 1½ inches or more in length;—then such acreage shall not be considered as planted to cotton: *Provided,* That if cotton is seeded but no cotton reaches maturity the smallest of the acreage seeded to cotton, 3 acres, or 3 percent of the 1941 farm cotton acreage allotment shall be considered as acreage planted to cotton.

6. Section 701.201 (c) (3) is amended to read as follows:

* * * * *

(c) *Peanuts.*

* * * * *

(3) *County acreage allotments.* County acreage allotments of peanuts for market shall be determined by distributing the State peanut acreage allotment on the basis of the 1938 and 1939 acreages of peanuts for market in the counties and the county acreage allotments determined under the 1940 program, taking into consideration abnormal weather conditions and trends in acreage on commercial peanut farms.

7. Section 701.201 (c) (4) is amended to read as follows:

(4) *Farm acreage allotments.* Peanut acreage allotments for farms shall be determined on the basis of the acreage of peanuts for market customarily grown on the farm, as reflected in the average acreage of peanuts grown on the farm for market in one or more of the years 1938, 1939, and 1940, with adjustments for tillable acreage, taking into consideration other special crop acreage allotments determined for the farm. In areas where the Agricultural Adjustment Administration determines that the tilled acreage accurately reflects the capacity for peanut production on a majority of the farms in the area, the foregoing factors may be applied as follows: The allotment will be determined on the basis of the smaller of (i) an indicated acreage of peanuts, as reflected in the tillable acreage available for the production of peanuts, taking into consideration other special crop acreage allotments determined for the farm, with adjustments for production facilities and other physical factors affecting the production of peanuts on the farm, and (ii) the acreage customarily grown.

Acreage allotments may also be determined for farms on which peanuts will be grown for market in 1941 for the first time since 1937 on the basis of the tillable acreage available for the production of peanuts, taking into consideration other special crop acreage allotments determined for the farm, the peanut-producing experience of the operator, crop rotation practices, physical factors affecting the production of peanuts for market, type of soil, and topography. If the acreage of peanuts planted for market in 1941 on any such farm is less than the 1941 peanut acreage allotment, the allotment shall be reduced to the acreage planted to peanuts for market.

The peanut acreage allotments determined for the farms in a county shall not exceed their proportionate part of the county peanut acreage allotment.

* * * * *

8. Section 701.201 (c) (6) is hereby deleted, and subparagraphs (7) and (8) are renumbered as subparagraphs (6) and (7).

9. Section 701.201 (c) (9) is renumbered as subparagraph (8) and amended to read as follows:

(8) *Deduction.* $30.00 per ton of the normal yield for the farm for each acre of peanuts for market in excess of its peanut acreage allotment less the acreage, if any, by which the farm cotton acreage allotment exceeds the acreage planted to cotton on the farm: *Provided,* That no deduction will be made if the acreage of peanuts for market on the farm is one acre or less.

10. Section 701.204 (a) (3) is amended to read as follows:

§ 701.204 *Division of payments and deductions*—(a) *Payments and deductions in connection with soil-depleting crops, crops for which special crop acreage allotments are determined, and restoration land.*

* * * * *

(3) The deductions with respect to (i) total soil-depleting crops in Area B, (ii) failure to prevent wind or water erosion, (iii) cropping restoration land, (iv) breaking out native sod, (v) failure to carry out a farm conservation plan, (vi) insufficient acreage of erosion resisting crops, and (vii) insufficient soil-building performance, shall be regarded as deductions with respect to general crops in Area A and as pro rata deductions with respect to the payments computed in connection with special crop acreage allotments in Areas B and C. The deduction for failure to maintain soil-building practices carried out under previous programs shall be divided among the persons who the county committee determines were responsible for the failure to maintain the practices in the proportion that the county committee finds such persons were responsible.

Done at Washington, D. C. this 12th day of June 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-4210; Filed, June 12, 1941; 3:08 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 2826]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CHARLES N. MILLER CO.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In the offering for sale, sale and distribution in interstate commerce of candy and candy products, (1) selling, etc., to jobbers and wholesale dealers, for resale to retail dealers, candy so packed and assembled that sales thereof to the general public are to be, or are designed to be, made by means of a lottery, gaming device, or gift enterprise; (2) supplying, etc., wholesale dealers, jobbers or retail dealers with packages or assortments of candy which are used or designed to be used without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device, or gift enterprise in the sale or distribution of the candy or candy products contained in said assortment to the public; and (3) packing or assembling in the same package or assortment for sale to the public at retail, pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy to be given

as prizes to the purchaser procuring a piece of candy with a center of a particular color; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Sup. IV, sec. 45i) [Modified cease and desist order, Charles N. Miller Co., Docket 2826, May 14, 1941]

In the Matter of Charles N. Miller Co., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of May, A. D. 1941.

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on August 4, 1936, the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of Section 5 of the Federal Trade Commission Act and on November 14, 1936, issued and served its modified order to cease and desist; and it further appearing that on June 10, 1938, the United States Circuit Court of Appeals for the First Circuit rendered its opinion modifying the aforesaid modified order of the Commission in certain particulars and affirming said modified order in other particulars;

Now, therefore, pursuant to the provisions of subsection (i) of Section 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with the said Court opinion:

It is ordered, That the respondent, Charles N. Miller Co., its officers, agents, representatives and employees, in the offering for sale, sale and distribution in interstate commerce of candy and candy products, do cease and desist from:

(1) Selling and distributing to jobbers and wholesale dealers for resale to retail dealers, or to retail dealers direct, candy so packed and assembled that sales of such candy to the general public are to be made or are designed to be made by means of a lottery, gaming device or gift enterprise;

(2) Supplying to or placing in the hands of wholesale dealers and jobbers or retail dealers packages or assortments of candy which are used or are designed to be used, without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device or gift enterprise in the sale or distribution of the candy or candy products contained in said assortment to the public;

(3) Packing or assembling in the same package or assortment, for sale to the public at retail, pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy, which said larger pieces of candy are to be given as prizes to the purchaser procuring a piece of candy with a center of a particular color.

It is further ordered, That the respondent, within thirty days after the service upon it of this order, shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-4218; Filed, June 13, 1941; 11:33 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 599—MINIMUM WAGE RATES IN THE TEXTILE INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 25 FOR MINIMUM WAGE RATES IN THE TEXTILE INDUSTRY

Whereas on March 10, 1941, pursuant to section 5 of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 92, appointed Industry Committee No. 25 for the Textile Industry, herein called the Committe, and directed the Committee to recommend minimum wage rates for the Textile Industry in accordance with section 8 of the Act; and

Whereas, the Committee included 7 disinterested persons representing the public and a like number of persons representing employers in the Textile Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Textile Industry is carried on; and

Whereas after a comprehensive investigation of economic and competitive conditions in the Textile Industry, including consideration of the testimony of numerous witnesses, economic reports and wage studies, data on competitive conditions as affected by transportation, living and production costs, information concerning wage levels established by collective bargaining agreements and voluntary wage standards, and other evidence received in connection with the meetings of the Committee, the Committee's report containing its unanimous recommendations for minimum wage rates in the Textile Industry was filed with the Administrator on April 16, 1941; and

Whereas after notice published in the FEDERAL REGISTER on April 30, 1941, Thomas W. Holland as Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendations at Washington, D. C., on May 15, 1941 and May 16, 1941, at which all interested persons were given opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to Sections 5 and 8, has concluded that the Industry Committee's recommendation are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Industry Committee No. 25 for Minimum Wages in the Textile Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.:

Now, therefore, it is ordered, That:

§ 599.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved, and, in accordance with such recommendation.*

*§§ 599.1 to 599.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U. S. C., Sup. IV, 208.

§ 599.2 *Wage rate.* Wages at a rate of not less than 37½ cents an hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Textile Industry.*

§ 599.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Textile Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 599.4 *Definition of the Textile Industry.* The Textile Industry to which this Wage Order applies is defined as follows:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding or filling and the processing of

waste from the fibers enumerated in paragraph (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products; bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths, luncheloths and napkins; towels; and window curtains;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

(g) The manufacturing, or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in paragraph (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in paragraph (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.*

§ 599.5 *Scope of the definition.* The definition of the Textile Industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the Industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 599.6 *Effective date.* This Wage Order shall become effective June 30, 1941.*

Signed at Washington, D. C., this 13th day of June 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-4231; Filed, June 13, 1941; 11:52 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 928—TO RESTRICT INVENTORY ACCUMULATION OF CERTAIN SPECIFIED MATERIALS

Interpretations and Instructions with Respect to General Metals Order No. 1 [1]

The following official interpretations and instructions are hereby issued by the Director of Priorities with respect to General Metals Order No. 1, dated May 1, 1941.

12. *Iron and steel scrap.* Only those persons, firms or corporations selling iron and steel scrap to persons, firms or corporations which consume iron and steel scrap shall be deemed to be "Suppliers", and such buyers shall be deemed to be "Customers" as defined in said Order.

13. *Laboratory and chemical uses.* Metals, mineral salts, oxides and other compounds, prepared and sold for use as laboratory reagents or as catalysts in chemical processes, are finished products, and, as such, are not subject to the provisions of General Metals Order No. 1.

E. R. STETTINIUS, Jr.,
Director of Priorities.

JUNE 12, 1941.

[F. R. Doc. 41-4213; Filed, June 13, 1941; 9:41 a. m.]

Notices

WAR DEPARTMENT.

[AG 210.1 Med-Res. (5-1-41) RB-A]

DEFERMENT OF MEDICAL STUDENTS

MAY 26, 1941.

To: All Corps Area and Department Commanders, and The Surgeon General.

1. Authority is granted for the commissioning as second lieutenants in the Medical Administrative Corps Reserve, after July 1, 1941, male junior and senior medical students in Grade A medical schools in the United States who are fit for military service; also for commissioning interns as first lieutenants, Medical Corps Reserve, with the understanding that they will be ordered to one years' active duty immediately upon completion of their internship.

2. Appropriate publicity will be given the above authority by the Corps Area and Department Commanders. Students and interns who are properly qualified will be invited to submit applications for appointment, final approval in each case to be made by the War Department.

By order of the Secretary of War.

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-4020, Filed, June 5, 1941; 11:02 a. m.]

[1] 5 F.R. 2239, 2603, 2680.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-130]

PETITION OF THE RETAIL COAL PRODUCERS ASSOCIATION OF GREATER JOHNSTOWN, ET AL., FOR REVISION OF THE EFFECTIVE MINIMUM PRICE SCHEDULE FOR DISTRICT NO. 1 FOR TRUCK SHIPMENTS, FOR SHIPMENTS OF COAL BY TRUCK IN THE GREATER JOHNSTOWN AREA

MEMORANDUM OPINION AND ORDER CONCERNING ADDITIONAL TEMPORARY RELIEF

This proceeding was instituted upon an original petition filed jointly by the Retail Coal Producers Association of Greater Johnstown, on behalf of 86 code members operating mines located in the Greater Johnstown Area, and District No. 2, United Mine Workers of America, Local Union No. 7564, on behalf of 6 code members in that Area. The petition requests revision of the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments so as to reflect differences in transportation charges for coals delivered into the Area by truck.

On October 25, 1940, after due notice to all interested persons, an informal conference concerning petitioners' prayer for temporary relief was held, and on December 14, 1940, the Director issued a Memorandum Opinion and Order concerning that prayer, which, for reasons stated therein, provided that Price Instruction 6 of the Schedule for District No. 1 for Truck Shipments should be revised, pending final determination of this matter, by the addition of the following paragraphs:

Where code members transport coal *in their own trucks or in trucks controlled by them* for delivery to consumers in the Greater Johnstown Area (that area bounded as set forth on the map attached hereto and made a part hereof), they *may,* if their actual transportation costs exceed 80 cents per net ton for delivery to such consumers, reduce the effective minimum prices f. o. b. the mine now established for their coals by an amount no greater than the excess of such costs over said 80 cents; and they *shall,* if their actual transportation costs are less than 80 cents per net ton for delivery to such consumers, add to the effective minimum prices f. o. b. the mine now established for their coals an amount not less than the difference between said 80 cents and their actual costs.

NOTE: This price instruction, as revised, will require all code members transporting coal in *trucks owned or controlled by them* to consumers in the Greater Johnstown Area to deliver such coal at not less than their *adjusted* minimum f. o. b. mine price plus their actual transportation cost. The minimum delivered price, based on the adjusted minimum f. o. b. mine price, will be equal to the present minimum f. o. b. mine price of a code member plus 80 cents. Therefore, the delivered price for code members transporting coal in trucks owned or controlled by them to consumers in the Greater Johnstown

Area must be not less than their minimum price established in the Effective Minimum Price Schedule for District No. 1, for Truck Shipments, plus 80 cents. Code members shipping coal into that Area in trucks *not* owned or controlled by them may continue to deliver such coal at the effective minimum price (not adjusted) plus their actual transportation cost.

Thereafter, on January 7, 1941, petitioner requested that the temporary relief granted be modified by requiring code members shipping coal into the Area in trucks *not* owned or controlled by them, to keep an accurate and detailed record of all such coal and to adjust their f. o. b. mine prices for such sales in the same manner as provided in the Order of December 14, 1940, depending on the actual transportation charges for such coal, as the independent trucker or other purchaser states it to be.

Pursuant to an Order of the Director and after due notice, a hearing was held in this matter before an Examiner of the Division on February 4, 1941. Petitioners, District Boards 1 and 2, and the Consumers' Counsel Division appeared. Petitioners there reiterated their request for modification of the temporary relief granted in the Order of December 14, 1940, and proposed, as alternative to their request of January 7, 1941, that the Schedule of effective minimum prices be so amended as to require anyone delivering coal into the Greater Johnstown Area for a price less than the established f. o. b. mine price established for such coal plus 80 cents thereafter to pay such a higher f. o. b. mine price as would result in delivery at a price equal to the established f. o. b. mine price plus 80 cents.

Temporary relief granted by the Order of December 14, 1940, was designed to take into account variations in transportation charges which when resulting in lower delivered prices for some sellers than for others in the Greater Johnstown Area caused severe damage and disrupted the previously existing pattern of competitive opportunities. It was the Director's opinion that the situation in the Area might be temporarily alleviated and fair competitive opportunities of petitioners more nearly maintained by requiring code members transporting coal in trucks owned or controlled by them, to adjust their f. o. b. mine prices in accordance with such variations in their transportation costs.

It appears, however, that the temporary relief granted has not adequately preserved the existing fair competitive opportunities of petitioners. The f. o. b. mine prices of coal transported into the Area by independent truckers or others, purchasing coals at the mine, were not required to be adjusted under the provisions of that Order. Thus, variations in transportation charges of independent truckers are not reflected in the effective minimum prices, and the coals purchased and transported by them may sell at lower prices than petitioners', and seriously injure the existing fair competitive opportunities of petitioners.

The problem of fixing minimum prices for coal shipped by truck into the Johnstown Area so as to preserve the existing fair competitive opportunities among independent truckers and truck miners is recognized to be—as it always has been—a difficult one. It is clear that some measure should be adopted which will go far toward establishing a competitive balance between coal delivered into the Johnstown Area by producers in their own trucks and that delivered by independent truckers. To that end an amendment to Price Instruction 6, set forth below, designed to accomplish that objective is herewith adopted. The amended instruction will require an independent trucker to certify to the producer his actual transportation costs and on the basis thereof the producer is authorized to sell the coal at minimum price adjusted in the light of such certified costs so that the aggregate of the adjusted f. o. b. mine price and the certified transportation costs will equal the base f. o. b. mine price plus 80 cents per ton.

The results of the operation of the amended price instruction will be carefully studied by the Division with a view to determining whether or not it is proving effective. Particular attention will be paid to whether independent truckers are misrepresenting their actual transportation cost and whether they are delivering coal into the Johnstown Area at prices below those minimum prices at which code member producers may deliver coal in their own or controlled trucks. In order to safeguard against any evasion of the price instruction, with a resulting disruption in the competitive balance sought to be attained, the Director deems it necessary to impose certain terms and conditions to the adoption of the amended price instruction. Therefore, the adoption of the amendment to Price Instruction 6 in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments is without prejudice to the right of the Director from time to time to amend the minimum prices for coals sold to and purchased by any independent trucker who is found to have misrepresented to code member producers their actual transportation costs, as reflected in the delivered prices, with the result that he has sold coal below the prices at which it would have been sold had no such misrepresentation been made, that is, the unadjusted f. o. b. mine price plus an 80 cents per ton transportation charge. To that end, jurisdiction will be reserved by the Director to enter such further order or orders affecting the established minimum prices at which coal may be sold to individual independent truckers as is found necessary to comply with the standards of section 4 II (a) and (b) of the Act.

The Director is of the opinion that reasonable showing of the necessity of additional temporary relief has been made, pending final determination of this matter; that an adequate showing has been made of actual or impending injury in the event such relief is not granted; and that it does not appear that granting such relief (as hereafter set forth) will unduly prejudice any interested persons. The Director is, therefore, of the opinion that Price Instruction 6 in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments should be amended, by the addition of the following paragraphs (in place and stead of those added by the Order of the Director dated December 14, 1940):

Where code members transport coal or sell coal for transportation by truck, *whether owned or controlled by them, independent, or otherwise,* for delivery to consumers in the Greater Johnstown Area (that area bounded as set forth on the map attached to the Order of the Director dated December 14, 1940, in Docket No. A–130), they *may* if the actual transportation costs exceed 80 cents per net ton for delivery to such consumers, reduce the effective minimum price f. o. b. the mine now established for their coals by an amount no greater than the excess of such costs over said 80 cents; and they *shall,* if the actual transportation costs are less than 80 cents per ton for delivery to such consumers, add to the effective minimum price f. o. b. the mine now established for their coals an amount not less than the difference between said 80 cents and their actual costs.

No code member shall hereafter sell any coal to an independent trucker for delivery by truck, except upon condition that such coal, if delivered into the Greater Johnstown Area, shall be delivered and resold at prices no less than the effective minimum prices adjusted as aforesaid, plus the actual transportation costs upon the basis of which such adjustments were made; and upon the further condition that the independent trucker who purchases such coal shall file with said code member, a statement, substantially in the following form:

I hereby certify that the actual transportation costs for transporting the coal purchased from the undersigned code member in accordance with Invoice or Sales Slip No. ---------, attached hereto, as I have represented them to the undersigned code member, are ---------- per ton.

This certification is entered into in accordance with an Order of the Director of the Bituminous Coal Division in Docket A–130, and as a direct inducement to the undersigned code member to sell the coal referred to herein at the price stated in the invoice or sales slip.

Date ----------, 1941. ----------, L. S.
Trucker

Accepted by ----------, L. S.
Code member

One copy of each such certificate, together with the accompanying invoice or sales slip, shall be filed within five days after the end of each month by the code member with the office of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C., and shall be made part of the docket of the above-entitled proceeding.

Any independent trucker who delivers and sells coal in the Johnstown Area at less than the cost of transportation, as certified, plus the adjusted f. o. b. mine price may thereafter be required by the Director of the Bituminous Coal Division to pay an appropriately increased price f. o. b. the mine which will preclude the continuation of such sales in the Johnstown Area, and in addition may be subjected to such other penalties and duties, as the law provides.

Until further order of the Director, code members delivering coal in trucks owned or controlled by them to consumers in the Greater Johnstown Area, shall file, within five days after the last day of each month, with the Statistical Bureau for District No. 1, a sales slip signed by each purchasing consumer showing thereon at least the following information: (a) The name and location of the producing mine, (b) the name and address of the consumer, (c) the tonnage and size of coal sold, (d) the price charged for the coal, (e) the name and address of the person transporting the coal and his business connection, if any, with the producer, and (f) the amount paid by the producer for the transportation of the coal to the consumer. (Producers, delivering coal as described herein, must comply with this provision, but need not comply with the provisions of Order No. 308.)

NOTE: This price instruction, as revised, will require all coal transported in *trucks whether owned or controlled by code members, by independent truckers,* or otherwise, to consumers in the Greater Johnstown Area, to deliver at not less than its *adjusted* minimum f. o. b. mine price plus the actual transportation cost. The minimum delivered price, based on the adjusted minimum f. o. b. mine price, will be equal to the present minimum f. o. b. mine price of a code member plus 80 cents. Therefore, the delivered price to consumers in the Greater Johnstown Area must be not less than the minimum price established in the Schedule of Effective Minimum Prices for District No. 1, for Truck Shipments, plus 80 cents.

[Under this revision the minimum f. o. b. mine price of a code member, whose effective minimum price f. o. b. mine as now established in the Schedule of Effective Minimum Prices for District No. 1, for Truck Shipments, is $2.20 per net ton, will be computed as follows: If the cost of transportation is, for example, 95 cents, his minimum f. o. b. mine price will be $2.20 per net ton less 15 cents (95 cents minus 80 cents) or $2.05 per net ton; if the cost of transportation is, for example, 65 cents per net ton for delivery to consumers, his minimum f. o. b. mine price will be $2.20 per net ton plus 15 cents (80 cents minus 65 cents) or $2.35 for delivery to consumers. In each instance when the transportation costs are added to his adjusted f. o. b. mine price, the minimum delivered price to consumers in the Greater Johnstown Area will be $3.00 ($2.05 plus 95 cents= $3.00, and $2.35 plus 65 cents=$3.00).]

Accordingly, it is ordered, That the aforementioned amendment to Price Instruction 6 in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments be and it hereby is adopted, subject to the right of the Director from time to time to enter further orders affecting the established minimum prices at which coal may be sold to specified independent truckers.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: June 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-4215; Filed, June 13, 1941; 11:20 a. m.]

[Docket No. 1673-FD]

IN THE MATTER OF THE PITTSBURGH & SHAWMUT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7349, DISTRICT NO. 1, DEFENDANT

ORDER POSTPONING HEARING

The above entitled matter having been heretofore scheduled for hearing on June 16, 1941, at the County Court Room, Kittanning, Pennsylvania; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of June 16, 1941, until 10 o'clock in the forenoon of July 16, 1941, at a hearing room of the Bituminous Coal Division at the County Court House, Kittanning, Pa., before the officers previously designated to preside at said hearing.

Dated: June 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-4214; Filed, June 13, 1941; 11:20 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

AMENDED DESIGNATION OF LOCALITIES IN PARISH OF GRANT, STATE OF LOUISIANA, IN WHICH LOANS PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT MAY BE MADE

The designation of localities in which loans may be made in Grant Parish, Louisiana, under Title I of the Bankhead-Jones Farm Tenant Act, which was approved on March 1, 1941, pursuant to the rules and regulations promulgated by the Secretary of Agriculture on July 23, 1940, is herewith canceled. Hereafter, loans under that title may be made in that parish within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of those rules and regulations. There follow a description of the localities and the determination of value for each of those localities:

	Value
Locality I:	
Ward Number 1	$6,306
Locality II:	
Ward Number 2	1,867
Locality III:	
Ward Number 3	1,331
Locality IV:	
Ward Number 4	1,245
Locality V:	
Ward Number 5	2,117
Locality VI:	
Ward Number 6	2,227
Locality VII:	
Ward Number 7	1,427

Approved: May 31, 1941.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 41-4211; Filed, June 12, 1941; 3:08 p. m.]

Rural Electrification Administration.

[Administrative Order No. 597]

ALLOCATION OF FUNDS FOR LOANS

JUNE 6, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project Designation:	*Amount*
Mississippi 1-9029R2 Oktibbeha	$4,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-4226; Filed, June 13, 1941; 11:38 a. m.]

[Administrative Order No. 598]

AMENDING ADMINISTRATIVE ORDER NO. 593

JUNE 6, 1941.

I hereby amend:

(a) Administrative Order No. 593, dated May 27, 1941, by changing the project designations appearing therein as "North Carolina 1-0043B1 Jones" and "North Carolina 1043B2 Jones" to read "North Carolina 1-0043G1 Jones" and "North Carolina 1043G2 Jones."

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-4227; Filed, June 13, 1941; 11:38 a. m.]

Surplus Marketing Administration.

TERMINATION OF THE LICENSE FOR MILK, SIOUX CITY, IOWA, SALES AREA, AS AMENDED

Pursuant to the powers vested in the Secretary of Agriculture of the United States by Public Act No. 10, 73d Congress, as amended, for the purposes and within the limitations therein contained, and pursuant to the general regulations issued thereunder, the Secretary of Ag-

riculture executed under his hand and the official seal of the Department of Agriculture a License For Milk, Sioux City, Iowa, Sales Area, effective March 17, 1934 (hereinafter referred to as the "license"), which license was last amended, effective July 18, 1935. On April 3, 1940, the license, as amended, was suspended,[1] effective April 15, 1940.

It is hereby found and determined by the Secretary of Agriculture that the license, as amended, no longer tends to effectuate the declared policy of the act.

It is, therefore, ordered, That the license, as amended, be hereby terminated, effective 12:01 a. m., c. s. t., June 12, 1941.

This order of termination shall in no way affect any obligations which have arisen or which may hereafter arise in connection with, by virtue of, or pursuant to the license, as amended, provided such obligations were incurred prior to the effective date of this order, nor shall this order of termination be deemed to waive any violation of the license, as amended, which may have occurred prior to the effective date of this order.

In witness whereof, I, Paul H. Appleby, Acting Secretary of Agriculture of the United States, have executed this termination in duplicate and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 12th day of June 1941.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-4212; Filed, June 12, 1941; 3:08 p. m.]

[Docket No. AO 72-A 4]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 30, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

Notice is hereby given of a hearing to be held in the Hotel Waldorf, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., June 18, 1941, on proposed amendments to the tentatively approved marketing agreement, as amended, and to Order No. 30, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

Proposed amendments have been submitted by the Northwestern Cooperative Sales Association, Inc., and the Toledo Milk Distributors' Association, and this public hearing is for the purpose of receiving evidence with respect to such proposed amendments (1) revising the classification of milk and the method of the computation of the amount of milk in each class, (2) revising the class prices of milk, (3) providing for the regulation of the handling of emergency milk, (4) revising the butterfat differential, (5) deleting or suspending the market share plan, (6) revising the method of computing the uniform price, and (7) deleting the provisions relating to "new producers".

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

JUNE 12, 1941.

[F. R. Doc. 41-4228; Filed, June 13, 1941; 11:38 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF DESIGNATION OF PRESIDING OFFICER FOR CONDUCT OF INQUIRY INTO THE WAGES, HOURS, AND OTHER CONDITIONS AND PRACTICES OF EMPLOYMENT OF RED CAPS BY RAILROAD OR TERMINAL COMPANIES

Whereas S. Res. 105, adopted by the United States Senate on May 15, 1941, directs the Administrator of the Wage and Hour Division of the United States Department of Labor, or his designated representatives, to undertake immediately an inquiry into the wages, hours and other conditions and practices of employment of red caps by railroad or terminal companies in view of the minimum wage requirements of the Fair Labor Standards Act of 1938, under his investigatory powers under said Act.

Now, therefore, it is hereby ordered and notice is hereby given that Mr. Thomas Holland will preside at hearings which will hereafter be scheduled for the purpose of undertaking the inquiry directed in S. Res. 105.

Signed at Washington, D. C., this 12th day of June 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-4229; Filed, June 13, 1941; 11:52 a. m.]

IN THE MATTER OF APPLICATIONS OF THE NATIONAL GRAIN TRADE COUNCIL, MILLERS' NATIONAL FEDERATION AND SUNDRY OTHER PARTIES FOR THE EXEMPTION OF THE RECEIVING OF GRAIN, SOY BEANS, FLAXSEED, AND BUCKWHEAT INTO GRAIN ELEVATORS FROM THE MAXIMUM HOURS PROVISION OF THE FAIR LABOR STANDARDS ACT OF 1938, AS INDUSTRIES OF A SEASONAL NATURE

ADMINISTRATOR'S DECISION

Whereas applications have been made by the National Grain Trade Council, Millers' National Federation and sundry other parties under section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526, as amended, of the regulations issued thereunder for the exemption of the receiving of grain, soy beans, flaxseed, and buckwheat into grain elevators from the maximum hours provisions of the Fair Labor Standards Act of 1938, as industries of a seasonal nature pursuant to section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas a preliminary determination was made that a *prima facie* case had been shown for the granting of the aforesaid exemption for the receiving of grain, soy beans, flaxseed, and buckwheat into grain elevators, and notice thereof was published in the FEDERAL REGISTER under date of July 26, 1940, in accordance with the procedure established in section 526, as amended, of the regulation; and

Whereas within fifteen days following that preliminary determination, the Administrator received objection and request for a public hearing; and

Whereas after a public hearing on said applications at Chicago, Illinois, on December 9, 1940, the Presiding Officer duly made his Findings and Determination upon the basis of the record made at the hearing; and

Whereas petitions for review of the Presiding Officer's Findings and Determination were filed by the applicants; and

Whereas said petitions were granted for the purpose of reviewing the Presiding Officer's Findings and Determination; and

Whereas all interested persons were given leave to file briefs in this matter on or before May 24, 1941; and

Whereas pursuant to notice published in the FEDERAL REGISTER on May 16, 1941, oral argument by interested persons was heard by the Administrator on May 29, 1941; and

Whereas the Administrator has set forth the decision in an opinion entitled:

Findings and opinion of the Administrator in the matter of applications of the National Grain Trade Council, Millers' National Federation, and sundry other parties for the exemption of the receiving of grain, soy beans, flaxseed and buckwheat into grain elevators from the maximum hours provisions of the Fair Labor Standards Act of 1938 as industries of a seasonal nature, pursuant to section 7 (b) (3) of the act and part 526, as amended, of the regulations issued thereunder;

dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, notice is hereby given that the Administrator has found and determined pursuant to the provisions of section 526, as amended, of the regulations upon the basis of the record, that:

(1) The storing of grain including flaxseed, buckwheat, and soybeans by country grain elevators is a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3)

[1] 5 F.R. 1317.

of the Fair Labor Standards Act of 1938; and regulations issued thereunder, and therefore is entitled to the exemption provided in section 7 (b) (3) of the said Act.

(2) The storing of grain including flaxseed, buckwheat, and soybeans by public terminal and subterminal elevators is a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations issued thereunder, and therefore is entitled to the exemption provided in section 7 (b) (3) of the said Act.

(3) The storing of grain including flaxseed, buckwheat, and soybeans by mill elevators is a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938, and regulations issued thereunder, and therefore is entitled to the exemption provided in section 7 (b) (3) of the said Act.

(4) Cash grain commission merchants are not a branch of an industry engaged in the storing of grain within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938, and regulations issued thereunder, and the application by the cash grain commission merchants requesting an exemption provided in section 7 (b) (3) of the Act is therefore denied.

(5) The exemptions hereinabove set forth will become effective on the date this notice appears in the FEDERAL REGISTER. The said exemptions are applicable only in so far as specified in the aforesaid Findings and Opinion of the Administrator.

Signed at Washington, D. C., this 13th day of June 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-4230; Filed, June 13, 1941; 11:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-177]

CAMDEN GAS CORPORATION VS. ARKANSAS-LOUISIANA GAS COMPANY

ORDER TERMINATING PROCEEDING

JUNE 10, 1941.

It appearing to the Commission that:

(a) This proceeding, instituted by the filing of a complaint by Camden Gas Corporation against the Arkansas-Louisiana Gas Company, involves the rates and charges assessed and collected by the latter corporation under a contract subject to the jurisdiction of this Commission which provides for the sale of natural gas at wholesale to the Camden Gas Corporation for resale to ultimate consumers;

(b) On May 28, 1941, the Department of Public Utilities for the State of Arkansas issued an order approving the sale and transfer of the property, franchises, easements and rights of the Camden Gas Corporation to the Arkansas-Louisiana Gas Company for a consideration of $226,000.00, and complainant and respondent report that such sale and transfer has, in fact, been consummated;

(c) Prior to the entry of the aforesaid order by the State Commission the complainant and respondent on March 31, 1941, advised this Commission of the proposed sale and transfer and requested a dismissal of the pending proceeding based upon an agreement between the parties that the rates and charges assessed and collected from the complainant would be reduced in an aggregate annual amount of $5,000.00 retroactive to January 1, 1941, and made effective for such period of time as would elapse prior to the sale.

The Commission finds that:

(1) The sale and transfer of the property, franchises, easements and rights of the Camden Gas Corporation to the Arkansas-Louisiana Gas Company in accordance with the approval and order of the Department of Public Utilities for the State of Arkansas eliminates the wholesale rates and charges alleged by the Complainant to be discriminatory and prejudicial; and

The Commission orders that:

The complaint filed by the Camden Gas Corporation be and the same is hereby dismissed and the proceeding terminated.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-4232; Filed, June 13, 1941; 12:00 m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4350]

IN THE MATTER OF SPENCER SYSTEM, A MASSACHUSETTS TRUST, AND JOHN L. SHEA, WILLIAM J. HAGERTY, JEAN G. MITCHIE, AND GLENDA S. HILLS, INDIVIDUALLY, AND AS TRUSTEES OF SAID TRUST

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 30, 1941, at nine o'clock in the forenoon of that day (eastern standard time) in Court Room Number Five, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4217; Filed, June 13, 1941; 11:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-84]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION AND DOMINION GAS AND ELECTRIC COMPANY

ORDER GRANTING LIMITED EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, A. D. 1941.

International Utilities Corporation and Dominion Gas and Electric Company having made application for exemption of Dominion Gas and Electric Company as a holding company pursuant to the provisions of section 3 (a) (5) of the Public Utility Holding Company Act of 1935, and said companies having also made application pursuant to section 3 (b) of said Act for an order exempting Dominion Gas and Electric Company and its subsidiary companies from the provisions of the Act applicable to them as subsidiary companies of International Utilities Corporation, a registered holding company; and

The Commission on the 13th day of April 1939 having made and entered an order exempting Dominion Gas and Electric Company from all those provisions of the Public Utility Holding Company Act of 1935 which would require it to register under said Act because of its directly or indirectly owning, controlling, or holding with power to vote 10% or more of the outstanding voting securities of Canadian Western Natural Gas, Light, Heat and Power Company, Limited; Northwestern Utilities, Limited; and Canadian Utilities, Limited; and also exempting Dominion Gas and Electric Company, Canadian Western Natural Gas, Light, Heat and Power Company, Limited; Northwestern Utilities, Limited; Canadian Utilities, Limited, and other non-utility subsidiaries to the extent specified from certain provisions of the Act applicable to them as subsidiary companies of International Utilities Corporation, a registered holding company; and

The said order further providing that the exemptions therein granted shall ex-

pire December 31, 1940, without prejudice to the right of International Utilities Corporation and Dominion Gas and Electric Company to apply on behalf of themselves and the subsidiary companies of Dominion Gas and Electric Company for an extension of the time during which such order shall be effective; and

International Utilities Corporation and Dominion Gas and Electric Company having filed on the 10th day of December 1940 an amendment to the application aforesaid requesting that the exemptions heretofore granted by the Commission be extended for a further period beyond December 31, 1940; and

The Commission having, by a series of orders, extended the exemptions granted to Dominion Gas and Electric Company and its subsidiaries by order of the Commission dated April 13, 1939, so that the same shall expire on June 16, 1941; and

A public hearing having been held after appropriate notice; the Commission having examined the record in this matter and having issued its Findings and Opinion herein:

It is ordered, That with respect to Dominion Gas and Electric Company the application for extension of its exemption as a holding company pursuant to section 3 (a) (5) of the Act be and the same hereby is in all respects denied, except that Dominion be and hereby is exempted from the provisions of section 13 (a) of the Act with respect to entering into or taking any step in the performance of any service, sales or construction contract with Canadian Western Natural Gas, Light, Heat and Power Company, Limited; Northwestern Utilities, Limited; and Canadian Utilities, Limited; *provided, however*, That in the case of Canadian Utilities, Limited, the amount received annually by Dominion in connection with any such service, sales or construction contracts shall not exceed the amount permitted to be deducted annually by Canadian Utilities, Limited, as an expense for Dominion of Canada income tax purposes; and

It is further ordered, That with respect to Dominion Gas and Electric Company the application for extension of its exemption as a subsidiary of International Utilities Corporation pursuant to section 3 (b) of the Act be and the same hereby is, in all respects, denied, except that Dominion be and hereby is exempted from the provisions of section 13 (b) of the Act with respect to entering into or taking any step in the performance of any service, sales or construction contract with Canadian Western Natural Gas, Light, Heat and Power Company, Limited; Northwestern Utilities, Limited; and Canadian Utilities, Limited: *Provided, however*, That in the case of Canadian Utilities, Limited, the amount received annually by Dominion in connection with any such service, sales or construction contracts shall not exceed the amount permitted to be deducted annually by Canadian Utilities, Limited, as an expense for Dominion of Canada income tax purposes; and

It is further ordered, That with respect to the subsidiaries of Dominion Gas and Electric Company the application for extension of their exemption as subsidiaries of Dominion Gas and Electric Company and of International Utilities Corporation pursuant to section 3 (b) of the Act be and the same hereby is granted to the extent that they shall be exempted from the following provisions of the Act:

(1) Section 6 of the Act, except with respect to

(a) The issue and sale of any security within the United States;

(b) The exercise of any privilege or right to alter the priorities, preferences, voting power or any other rights of any holder of any security then held within the United States; and

(c) The sale, or offering for sale, or the causing to be sold, or offered for sale, within the United States, from house to house, or causing any officer or employee of any subsidiary company of International or Dominion, to sell or cause to be sold, within the United States, securities of International or Dominion or their subsidiaries.

(2) Section 9 of the Act, except with respect to the acquisition of any utility assets located within the United States, or of any securities issued or guaranteed by any company incorporated and doing business in the United States or any other interest in any business within the United States.

(3) Subsection (g) of section 11 of the Act, except with respect to the solicitation within the United States of any proxy, consent, authorization, power of attorney, deposit or dissent in respect of any reorganization plan of such company.

(4) Subsection (b) of section 12 of the Act, except with respect to extensions of credit to or indemnifications of associate companies other than those which are subsidiaries of Dominion.

(5) Subsection (c) of section 12 of the Act, except with respect to the acquisition, retirement, or redemption of any security of such company then held within the United States.

(6) Subsection (e) of section 12 of the Act, except with respect to the solicitation within the United States of any proxy, power of attorney, consent or authorization regarding any security of such company.

(7) Subsections (f) and (g) of section 12 of the Act, except with respect to transactions with associate companies other than those which are subsidiaries of Dominion or to transactions with affiliates within the United States.

(8) Subdivision (2) of subsection (h) of section 12 of the Act, except with respect to contributions to or in support of any political party within the United States or any committee or agency thereof.

(9) Section 13 of the Act, except with respect to service, sales, or construction contracts with associate companies other than Dominion and its subsidiaries: *Provided, however*, That Canadian Utilities, Limited, shall each year restrict its Earned Surplus and make unavailable for the payment of dividends an amount equal to the amount paid to Dominion and its subsidiaries in connection with any service, sales, or construction contracts.

(10) Section 15 of the Act.

(11) Section 17 (c) of the Act, except with respect to such of the persons enumerated therein who are citizens and residents of the United States.

It is further ordered, That the provisions of this order shall be in full force and effect from and after June 16, 1941.

It is further ordered, That the exemption herein granted shall expire on June 30, 1943, without prejudice to the right of such companies to apply for an extension of the time during which this order shall be effective and also without prejudice to the right of such companies to apply at any time for such enlargement of any of the provisions of this order as they may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4222; Filed, June 13, 1941; 11:35 a. m.]

[File No. 54-24]

IN THE MATTER OF STANDARD GAS AND ELECTRIC COMPANY, AND SAN DIEGO GAS & ELECTRIC COMPANY

NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of June, A. D. 1941.

An order having been entered by the Commission on August 22, 1940, inter alia approving a plan filed by Standard Gas and Electric Company pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935; further orders having been entered on September 27, 1940, October 29, 1940, and November 29, 1940, approving the extension of the date of expiration of a certain offer of exchange set forth in said plan;

An order having been entered on January 13, 1941, approving an amendment to said plan, which as amended provided that holders of Notes or Debentures of Standard Gas and Electric Company might exchange each $1,000 principal amount thereof for 58 shares of common stock of San Diego Gas & Electric Company; and the Commission having approved extensions of the expiration date of said plan by orders dated March 11, 1941, April 11, 1941, and May 14, 1941;

An amendment to said application having been filed by Standard Gas and Electric Company on June 5, 1941 setting

forth that at the close of business on May 31, 1941, an aggregate of $6,934,300 principal amount of Notes and Debentures of Standard Gas and Electric Company had been exchanged or were in process of exchange for 402,067 shares of common stock of San Diego Gas & Electric Company and that at the close of business on said date Standard Gas was the owner of 591,803 shares of approximately 59% of the outstanding shares of common stock of San Diego Gas & Electric Company; and said amendment providing that Standard Gas and Electric Company proposes to offer such shares for sale and, for such purpose, to invite sealed written proposals for the underwriting thereof pursuant to the provisions of Rule U-50;

It is ordered, That the hearing in these proceedings shall be reconvened at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such date by the hearing room clerk in Room 1102, at 10:00 A. M. on the 17th day of June, 1941;

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

Notice of such hearing is hereby given to Standard Gas and Electric Company and San Diego Gas & Electric Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall notify the Commission to that effect by letter or telegram received by the Commission on or before June 16, 1941.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4221; Filed, June 13, 1941; 11:34 a. m.]

[File No. 59-17]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS

[File No. 54-25]

THE UNITED LIGHT AND POWER COMPANY, APPLICANT

ORDER GRANTING APPLICATION NO. 2 AND APPLICATION NO. 3 RELATING TO THE PURCHASE BY THE UNITED LIGHT AND POWER COMPANY OF SECURITIES OF WHICH IT IS THE ISSUER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of June, A. D. 1941.

The United Light and Power Company, a registered holding company, having filed herein its Application No. 2, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 (b) (2) and 12 (c) thereof and Rule U-42 thereunder, regarding the proposed acquisition from time to time, by purchase in the open market, by private sale, or pursuant to a call for tenders, at prices (exclusive of commissions) not in excess of the principal amount thereof plus accrued interest, at an aggregate cost not in excess of $3,000,000 of any or all of the following classes of its debentures:

The United Light and Railways Company (Maine) 6% Debenture Bonds, Series A, due 1973 (assumed); 6½% Debentures, due 1974; and 6% Debentures, due 1975; and

which application requests authority also to acquire from LaPorte Gas and Electric Company, a directly owned subsidiary, for cash at the principal amount thereof, $190,100, face value of said 6% Debentures, due 1973, which securities are held in a Special Depreciation Fund of LaPorte Gas and Electric Company; and

LaPorte Gas and Electric Company having filed Application No. 3 herein, to sell to The United Light and Power Company for cash at the principal amount thereof of $190,100 of said debentures, due 1973; and

Said applications having been filed on May 31, 1941, and notice of said filing having been duly given as required by the Act and applicable rules of the Commission, and the Commission not having received a request for hearing with respect to said applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The United Light and Power Company and LaPorte Gas and Electric Company having requested that said applications, as filed, be granted on the fifteenth day after the filing thereof; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications pursuant to said sections 11 (b) (2) and 12 (c) and applicable rules thereunder, and The United Light and Power Company having consented in writing to the conditions hereinafter provided for; and having agreed in its application, among other things, to report to the Commission on or before the 15th day of each month following issuance of this order, with respect to all purchases of Debentures, stating the amount purchased, the cost thereof, fees or commissions paid, together with other details recited in its application;

It is hereby ordered, Pursuant to the applicable provisions of said Act, subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications be and the same hereby are granted, subject, however, to the following additional conditions:

(1) That all purchases made by The United Light and Power Company, either in the open market, by private purchase, or pursuant to a call for tenders, shall be made at a price not less than 95% of the principal amount thereof (plus accrued interest): *Provided however,* That for good cause shown the company may apply for a modification of this condition during the period in which this order shall be carried out; and

(2) That the authorization contained in this order shall be exercised within the calendar year of 1941: *Provided, however,* That The United Light and Power Company may, for good cause shown, prior to the close of the calendar year, apply for an extension of said time.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-4219; Filed, June 13, 1941; 11:34 a. m.]

[File No. 70-286]

IN THE MATTER OF NORTHERN NATURAL GAS COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AND NORTH AMERICAN LIGHT & POWER COMPANY

ORDER PERMITTING DECLARATION AND APPLICATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of June, A. D. 1941.

Northern Natural Gas Company, a registered holding company, having filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 with regard to a reclassification and issuance of its authorized capital stock by changing each share of common stock without par value into 5 shares of new common stock having a par value of $20 per share;

Public hearings having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its opinion herein;

It is ordered, That said declaration, as amended, be and the same is hereby permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the applications of The United Light and Railways Company and North American Light & Power Company to acquire the reclassified stock from Northern Natural Gas

Company be and the same are hereby approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-4224; Filed, June 13, 1941; 11:35 a. m.]

[File No. 70-311]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY AND FEDERAL WATER SERVICE CORPORATION

AMENDATORY ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1941.

The Commission having by its order entered herein on June 5, 1941, permitted declarations pursuant to section 7 of the Act and Rule U-43 promulgated thereunder to become effective and having granted application pursuant to Section 10 of the Act, subject to certain terms and conditions, and having filed its opinion herein and having determined that the aforesaid order of June 5, 1941 should be amended;

It is ordered, That the Order of this Commission herein, dated June 5, 1941, be and hereby is amended by striking from said Order, these words:

that jurisdiction be reserved to pass upon the propriety of the realization by Federal Water Service Corporation of the profit of $1,152.00 resulting from the redemption of the 6% Adjustment Mortgage Bonds by Southern Natural Gas Company.

and inserting in lieu thereof:

that the profit realized or to be realized by Federal Water Service Corporation upon acquisition, retirement or redemption of $41,500 principal amount of 6% Adjustment Mortgage Bonds of Southern Natural Gas Company acquired in 1939 by Federal Water Service Corporation be restored to Southern Natural Gas Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4225; Filed, June 13, 1941, 11:36 a. m.]

[File No. 70-263]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of June, A. D. 1941.

The hearing in the above matter having been postponed to the 17th day of June, 1941 by an order of the Commission dated June 7, 1941, upon a request made by Columbia Gas & Electric Corporation, the applicant herein, and Columbia Oil & Gasoline Corporation, the intervenor herein, upon the ground that the said parties require additional time to prepare other applications which they believe it will be found desirable to consolidate with the pending application; and

The said parties having made another request upon the same grounds for a postponement of the hearing in the above matter subject to the call of the Trial Examiner; and

The Commission having considered said request and being of the opinion that the same should be granted;

It is ordered, That the hearing in the above matter be and the same hereby is continued subject to the call of the Trial Examiner.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4220; Filed, June 13, 1941; 11:34 a. m.]